IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOBLE T HASAAN BEY, Plaintiff, v. OFFICER OLMSTEAD 240, COUNTY OF TULSA SHERIFF DEPARTMENT, TULSA COUNTY, Defendant.	)))))))))))	Case No. 13-CV-204-GKF -PJC

ORDER

This matter comes before the court *sua sponte*. Plaintiff, Noble T. Hasaan Bey, purports to remove a traffic citation issued by "Officer OLMSTEAD, an employee of the TULSA COUNTY SHERIFF DEPARTMENT," TR-2013-2499, for operating a motor vehicle without a license, and to assert a counterclaim for violation of his constitutional rights and his rights guaranteed by "International Treaty Agreements," "Human Rights Treaties" and the "Charter of the United Nations." [Dkt. #2 at 16, Dkt. #3]. He alleges federal question jurisdiction. [Dkt. #1].

The district court has the authority to *sua sponte* dismiss a claim under Rule 12(b)(6) "when it is 'patently obvious' that the plaintiff could not prevail on the facts alleged." *Andrews v. Heaton*, 483 F.3d 1070, 1074 n.2 (10th Cir. 2007); *McKinney v. State of Okla., Dept. of Human Servs.*, 925 363, 365 (10th Cir. 1991). A claim should be dismissed when the complaint provides no more than "labels and conclusions, and a formulaic recitation of the elements of a cause of action." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555

(1007). The factual allegations within the claim "must be enough to raise a right to relief above the speculative level." *Id.* (citations omitted). The courts do not require heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face. *Id.* at 570.

Here, Bey's counterclaim fails to state a claim for relief that is plausible on its face. He asserts fanciful arguments that rely chiefly on the argument that he is a Moorish American citizen and thus need not abide by federal or state laws. As other courts have found, this offshoot of the Sovereign Citizens Movement is quite mistaken in their belief that the laws do not apply to their members. One judge corrected summarized that groups including the Moorish Nation are:

> notorious organization[s] of scofflaws and ne'er-do-wells who attempt to benefit from the protections of federal and state law while simultaneously proclaiming their independence from and total lack of responsibility under those same laws. *Sanders-Bey v. United States*, 267 F. App'x 464, 466 (7th Cir.2008) (finding that "the Washitaw Nation ... is not recognized by the United States government"); *Bybee v. City of Paducah*, 46 F. App'x 735, 736-37 (6th Cir.2002) (finding that the "Nation of Washitaw" is "fictional"); *United States v. Gunwall*, No. 97-5108, 1998 U.S. App. LEXIS 18596, at *11 (10th Cir. Aug. 12, 1998) (rejecting claim that the court had no jurisdiction over a member of the Washitaw as "frivolous"); *Bey v. Louisiana*, No. 08-cv-0250, 2008 WL 4072747 (W.D. La. July 11, 2008) (finding that plaintiff's claim to land as a member of the Washitaw was "patently frivolous" and rested on documents of "dubious legal significance"); *Great Seal Nat'l Ass'n of Moorish Affairs v. 46th Dist. Ct. of Oakland County*, No. 06-CV15625, 2007 U.S. Dist. LEXIS 3199, at *2 (E.D. Mich. Jan. 17, 2007) (dismissing claim that plaintiffs owned several parcels of property by virtue of their Moorish ancestry as "baseless, fantastic, and delusional" and finding the complaint to be "indecipherable"); *Khattab El v. U.S. Justice Dep't*, No. 86-6863, 1988 U.S. Dist. LEXIS 544, at *5 (E.D. Pa. Jan. 22, 1988) (holding that "the United States has not recognized the sovereignty of the Moorish Nation, thus precluding sovereign immunity claims").

El-Bey v. N. Carolina Bd. of Nursing, 2010 WL 3283070 (M.D.N.C. Aug. 19, 2010); *see also Osiris v. Brown*, 2005 WL 2044904 (D.N.J. Aug. 24, 2005) ("[Plaintiff] essentially argues that he is immune from the laws of the United States because he is a Moorish citizen. However, he is unable to establish any basis for this claim.”).

Based on the frivolousness of plaintiff’s counterclaim, the court, *sua sponte*, dismisses it for failure to state a claim pursuant to Rule 12(b)(6). Further, since dismissal of the counterclaim deprives this court of subject matter jurisdiction, the remaining traffic citation must be remanded to state court.

WHEREFORE, the case is remanded to Tulsa County District Court for lack of subject matter jurisdiction. 28 U.S.C. § 1447(c).

ENTERED this 9th day of April, 2013.

GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT